

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD STORMS,  
Plaintiff,

v.

COUNTY OF MONTEREY,  
Defendant.

Case No. 20-cv-07913-NC

**ORDER AFTER PRETRIAL  
CONFERENCE**

The Court held a pretrial conference in this case on July 22, 2022. This Order summarizes the events discussed:

1. REMOTE TESTIMONY: The parties mentioned the possibility of remote witness testimony. If the parties wish to have a witness appear remotely, they must file a stipulation to that effect by **August 1, 2022**. If the Court grants the stipulation, the parties must have their remote witnesses review the Court's Order re: Remote Testimony before the witness takes the stand.
2. TRIAL SCHEDULE: The trial will begin with opening statements on **Tuesday, August 9, 2022, at 9:30 a.m.** The trial will run from 9:30 a.m. through 4:30 p.m. each weekday with short morning and afternoon breaks and a longer lunch break around 1:00 or 2:00 p.m. Each side will have ten hours to present their arguments.

3. LOCATION: The trial will take place in Courtroom 8. Courtroom 8 is equipped with screens for the jurors, counsel, and the Court to view exhibits.
4. COURTROOM WALK-THROUGH: The parties are to coordinate with my Courtroom Deputy, Lili Harrell, to schedule a tech rehearsal.
5. MASK POLICY: The Court requires all individuals to wear masks in the courtroom. Only testifying witnesses and questioning attorneys may remove their masks. If a witness chooses not to remove their mask, the Court will instruct the jury not to make any inferences about a witness' decision to keep their mask on.
6. JURY VACCINATION REQUIREMENT: By default the Court will not excuse jurors on the sole basis that they are unvaccinated, but at the conference the Court suggested that the parties meet and confer to discuss whether they seek to excuse jurors on this basis. If the Court does not receive a stipulation from the parties by **August 1, 2022**, requesting to excuse unvaccinated jurors, the Court will not excuse jurors on the sole basis that they are unvaccinated.
7. JURY SELECTION: Jury selection will take place on **Monday, August 8, 2022, at 9:30 a.m.** in Courtroom 8. Eight jurors will be selected. The Court will request that the Jury Office prepare forty jurors for selection. The jurors will come to Courtroom 8 in two groups of no more than twenty jurors. The parties will each have twenty minutes for voir dire of each group of jurors; this time does not count towards the parties' ten-hour time limit. Each side is permitted three preemptory challenges total for all approximately forty jurors. The preemptory challenges will be "snake style": one for Plaintiff, two for Defendant, two for Plaintiff, and one for Defendant. A party may "pass" and choose not excuse a juror on their turn, but if Plaintiff and Defendant consecutively "pass," the Court will end the excusal process. The Court will not allow additional preemptory challenges if a jury is not selected

United States District Court  
Northern District of California

1 from the first group of twenty jurors.

- 2 8. JURY QUESTIONNAIRE: The Jury Office will distribute a jury  
3 questionnaire to potential jurors, the Court will send the jurors' responses to  
4 the parties during the week of **August 1, 2022**. At that time, the Court will  
5 suggest any for cause challenges to potential jurors and set a deadline for the  
6 parties to make for cause challenges. The jurors will also complete the  
7 Court's supplemental jury questionnaire upon arriving to the courthouse on  
8 August 8. The parties will have time to review the supplemental jury  
9 questionnaire answers before voir dire.
- 10 9. JURY QUESTIONS: At the conference, Plaintiff advocated for jury  
11 questions to increase jury comprehension, Defendant objected for health and  
12 safety reasons, and the Court took the matter under submission. Ultimately,  
13 the Court has decided to ALLOW jury questions in this case.
- 14 10. FURTHER HEARING: The Court will set a further pretrial hearing to rule  
15 on the parties' Motions in Limine, Plaintiff's Request for Judicial Notice,  
16 and any other outstanding pretrial matters.

17  
18 **IT IS SO ORDERED.**

19  
20 Dated: July 22, 2022

21   
22 NATHANAEL M. COUSINS  
23 United States Magistrate Judge  
24  
25  
26  
27  
28